

G. Silverman Declaration
Exhibit 22

From: [Jennifer Weidner](#)
To: [Jason Ingalls](#); [HR](#); [Barb Wagner](#); [Joseph Hernandez](#); [Annette Joyce](#); [Brian Pasley](#); [Charlie Vita](#); [Frank H. Hamlin](#); [Karen Serinis](#); [Michelle Pedzich](#); [Roz Zatyko](#); [Sam Guerrieri](#); [Vincent Yacuzzo](#)
Cc: [Rita Nischal](#)
Subject: Litigation Hold Notice - Jason Wemes - PRIVILEGED AND CONFIDENTIAL
Date: Friday, August 6, 2021 9:36:42 AM
Attachments: [image001.jpg](#)
[Litigation Hold Notice \(Wemes Matter\) 8-6-21.docx](#)
Importance: High

All: the following is a litigation hold notice that has to do with a potential lawsuit against CNB by Jason Wemes with respect to his employment and his termination from employment with the bank. From a legal standpoint, it is imperative that we have on record that pertinent individuals have been notified that any and all physical or electronic documentation relating to this individual and his employment or the termination remain intact until otherwise notified.

Please acknowledge both (1) receipt of the document and (2) confirmation that this document and message was forwarded on to any others who may have knowledge of Jason Wemes' employment or termination and possibly have a record related to Mr. Wemes' employment or the termination so that they may understand that it is important not to discard or amend that record. **Please email a response back to me so that I can record your acknowledgement of receipt and compliance to this request.**

Thank you.



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Corporate Secretary, Canandaigua National Corporation |

Ex. 22

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IMPORTANT: PLEASE READ IMMEDIATELY

LITIGATION HOLD AND DOCUMENT PRESERVATION DIRECTIVE

FROM: Jennifer Weidner, General Counsel, Canandaigua National Bank & Trust

DATE: August 6, 2021

RE: **Preservation of Documents and Information Related to Litigation - WEMES**

This memorandum contains very important information about the preservation and retention of documents related to a potential lawsuit that may be filed against Canandaigua National Bank & Trust (“CNB”) by one of its former employees, Jason Wemes. Please read this memorandum in its entirety and reply to me by email to indicate that you have read and acknowledged these instructions. If you have any questions, please contact me by email, or office phone at x36221 or my cell at 585-355-5872.

I. SUMMARY

We have received notice dated August 5, 2021 from an attorney engaged by Jason Wemes that Jason is considering legal action against CNB relating to his former employment and his termination.

II. INTRODUCTION

By law, CNB has a duty to take reasonable steps to preserve documents and information, including electronically stored information (“ESI”), that may be relevant to Jason’s potential claims against CNB and CNB’s defenses. Discovery of documents and data in civil proceedings is very broad, and the duty to preserve may require affirmative action to avoid even inadvertent loss or destruction. Courts have imposed penalties (including monetary sanctions and forfeiture of the right to defend against claims) where relevant documents or data is lost or destroyed, whether the loss is intentional, negligent or inadvertent. It is thus imperative to take affirmative steps to preserve and retain documents and information that you may have or be aware of that relate in any way to the subject matter of the potential litigation.

Please note that the term “**document**” is defined broadly and includes, but is not limited to, *paper and electronic* correspondence, memoranda, notes (handwritten, typed, or otherwise), contracts, requests for proposals, term sheets, outside legal and accounting invoices, letters of understanding, agreements, ledgers, work papers, informal files, desk files, faxes, calendar entries (electronic or paper), address book entries (electronic or paper)—and any copies, drafts, alterations, modifications, or changes to any of the foregoing. It also includes materials on any personal devices, such as calendar entries, emails and texts, that may relate to Jason Wemes or his potential claims.

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The term “document” also includes ESI such as photographs, images, audio and video recordings, as well as data stored on computer hard drives, mobile devices, personal home computers, laptops, diskettes, CD-ROMs, USB flash drives, and any and all other computer storage devices.

CNB has instituted steps to preserve ESI located on shared drives, servers and central databases, including email systems. We need you to take steps to preserve anything that you may have, whether in paper or electronic format, including personal devices, removable storage devices, and documents or data that may be saved to your work desktop or laptop. This includes voicemails (still residing on your office phone or cell phone), instant messages (“IMs”), text messages, as well as data stored in personal or work cell phones. ESI must be preserved, even if it is also available in hard copy (and vice versa), and whether it is saved to or existing on your work desktop or laptop, your personal computer, stored in a central server, or residing on a back-up or archive tape or disk.

III. RELEVANT CATEGORIES OF DOCUMENTS

The following categories of documents are likely to be relevant to the claims and defenses in the Litigation. Note that the covered documents include not only what may exist now, but also documents and data that you and others may create or receive in the future.

- All documents regarding any conversations, whether in person or on the telephone, with Jason Wemes including, but not limited to, notes taken before, during, or after any such conversations;
- All correspondence sent to or received from Jason Wemes, including but not limited to any emails, letters, voicemails, and/or text messages sent to or received from him;
- All employment records related to Jason Wemes, and all records related to his termination from employment; and
- Records of any communications or meetings with Jason Wemes.

The documents identified above are referred to as the “Relevant Information.” Effective immediately, you should retain unaltered any and all documents that relate or pertain to Relevant Information until further notice.

- Do not destroy, dispose of or alter any documents relating to Relevant Information, whether contained in a hard copy of a document, on e-mail, on a hard-drive or computer diskette, or in any other storage media, and whether a draft, a final, or even a duplicate copy of a document.
- Please do not in any way alter, move, or even copy or resave any ESI that you believe may be Relevant Information, as doing so will alter certain computer characteristics or metadata of the ESI that may be important.

This Directive supersedes all existing instructions with regard to CNB’s records retention policies and will remain in full force and effect until further notice.

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If any persons reporting to you are likely to have Relevant Information, please provide those names to me promptly so that we can evaluate and track all of our preservation efforts.

If you have any questions or concerns about any of the requirements set forth above, please let me know.